

Attorney Docket No.: **DEX-0549**
Inventors: **Macina et al.**
Serial No.: **10/537,694**
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REMARKS

Claims 1-18 are pending in the instant application.

Claims 1-18 have been subjected to the following
Restriction Requirement:

Group I, claims 1-6, 8-9 and 16 (in part), drawn to
nucleic acids, vectors and host cells encoding amino acids;

Group II, claims 7 and 15 (in part), drawn to a method
for determining the presence of breast specific nucleic
acid;

Group III, claim 10, drawn to a method for producing a
polypeptide;

Group IV, claims 11-12, 16 (in part) and 18, drawn to
a polypeptide;

Group V, claim 13, drawn to an antibody against the
polypeptide; and

Group VI, claims 14 and 15 (in part), drawn to a
method for detecting a breast cancer specific protein.

The Examiner suggests that Groups I-VI do not relate
to a single general inventive concept under PCT Rule 13.1
because, under PCT Rule 13.2, they lack the same or
corresponding special technical features.

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Further, with respect to claims 1, 7, 12, 15 and 16, the Examiner is requiring Applicants to elect an individual nucleic acid sequence or polypeptide sequence.

Applicants respectfully traverse this Restriction Requirement.

Applicants respectfully disagree with the Examiner that claims 1-18 do not share a special technical feature, particularly when limited to a single nucleic acid and/or polypeptide encoded thereby. Clearly an elected nucleic acid sequence, as well as the polypeptide encoded thereby and antibodies thereto, share the special technical feature of being useful in diagnosing cancer.

Further, a search of the art relating to an elected nucleic acid sequence should reveal art relating to the polypeptide encoded thereby, antibodies thereto and uses thereof.

Accordingly, reconsideration and withdrawal of this Restriction Requirement is respectfully requested.

However, in an earnest effort to be completely responsive to the Office Action of record, Applicants elect Group I (claims 1-6, 8-9, 16), directed to nucleic acids,

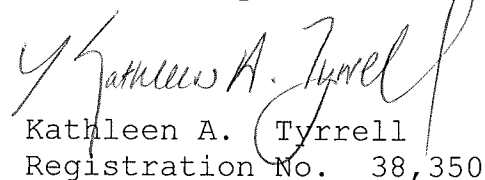
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for SEQ ID: 12 encoding SEQ ID NO:113 (Mam113,
DEX0452_010.nt.1), with traverse.

Upon allowance of these claims, rejoinder of all
process claims, as acknowledged by the Examiner in the
Restriction Requirement mailed July 14, 2009, is requested.

Applicants believe that the foregoing comprises a full
and complete response to the Office Action of record.

Respectfully submitted,


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